

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LEONARD EARL WILLIAMS,

Defendant-Appellant.

UNPUBLISHED

August 26, 2014

No. 315486

Wayne Circuit Court

LC No. 12-006502-FC

Before: MURPHY, C.J., and WHITBECK and TALBOT, JJ.

PER CURIAM.

Defendant, Leonard Earl Williams, appeals as of right his conviction, following a bench trial, of first-degree criminal sexual conduct (CSC I).¹ The trial court sentenced defendant, as a fourth-offense habitual offender,² to serve 10 to 30 years' imprisonment. We affirm.

I. FACTS

During the bench trial, the complainant testified that Williams is her biological father and, during the summer of 2010, that she was 13 years old. According to the complainant, her mother dropped her off at Williams's house on the day of the assault. No one else was in the home, and Williams had been drinking and smoking marijuana. At some point, Williams asked her if she was a virgin. The complainant later fell asleep on the couch.

She woke up when Williams began pulling down her shorts. The complainant "was yelling and screaming, telling him no, stop," but Williams pulled her legs apart, put his face between her legs, and put his tongue in her vagina. The complainant also testified that she told the truth when she told police that Williams's tongue did not go inside her vagina because she was moving and telling him to stop.

The complainant's cousin testified that the complainant told her about the assault in 2011 and was afraid to go to Thanksgiving dinner at Williams's home. The complainant's mother

¹ MCL 750.520b(1)(b)(ii) (sexual penetration with a relative between 13 and 16 years old).

² MCL 769.12

testified that, in 2012, she sent the complainant to live with Williams for the summer. According to the complainant's mother, the complainant wrote a note and gave it to her sister, who gave it to the complainant's mother. The note's vague contents concerned the complainant's mother, and she picked the complainant up from Williams's house. The complainant then told her about the incident, and she reported the allegations to the police.

According to Officer Laura Manzella, she spoke with Williams on June 22, 2012. When she informed Williams of the complainant's allegations, Williams began to cry. Williams denied licking the complainant's vagina, and stated that he wanted to check to see if the complainant was a virgin by using his fingers but did not actually do so.

The trial court found that the complainant's testimony that Williams had sexually penetrated her with his tongue during the summer of 2010 was credible. The trial court found that the cousin's testimony corroborated the complainant's testimony. The trial court also found that the complainant's mother and Manzella credibly described the complainant as upset when she described the assault. Finally, the trial court found that Williams's statement to Manzella that he wanted to check to see if the complainant was a virgin also corroborated the complainant's testimony. The trial court found Williams guilty of CSC I.

II. SUFFICIENCY OF THE EVIDENCE

A. STANDARD OF REVIEW

A defendant's claim that the evidence was insufficient invokes the defendant's constitutional right to due process of law.³ Thus, this Court reviews de novo a defendant's challenge to the sufficiency of the evidence supporting his or her conviction.⁴ We review the evidence in a light most favorable to the prosecutor to determine whether a rational trier of fact could find that the prosecutor proved the crime's elements beyond a reasonable doubt.⁵

B. LEGAL STANDARDS

MCL 750.520b(1)(b)(ii) provides that it is first-degree criminal-sexual-conduct for a person to engage in sexual penetration with a relative between the ages of 13 and 16:

(1) A person is guilty of criminal sexual conduct in the first degree if he or she engages in sexual penetration with another person and if any of the following circumstances exists:

³ *People v Wolfe*, 440 Mich 508, 514; 489 NW2d 748 (1992); *In re Winship*, 397 US 358, 364; 90 S Ct 1068; 25 L Ed 2d 368 (1970).

⁴ *People v Meissner*, 294 Mich App 438, 452; 812 NW2d 37 (2011).

⁵ *Id.*

* * *

(b) That other person is at least 13 but less than 16 years of age and any of the following:

* * *

(ii) The actor is related to the victim by blood or affinity to the fourth degree.

Sexual penetration includes cunnilingus, or any intrusion of any part of a person's body into the genital opening of another person's body.⁶ Cunnilingus occurs when a person places his or her mouth on a female's external genital organs.⁷

C. APPLYING THE STANDARDS

Williams contends that the evidence was not sufficient to support his conviction because the complainant's testimony was not credible and the trial court's findings relied on inferences and circumstantial evidence. We disagree.

When reviewing the sufficiency of the evidence, we will not interfere with the trier of fact's role to determine the weight of the evidence or the credibility of the witnesses.⁸ We must resolve any conflicts in the evidence in the prosecution's favor.⁹ A complainant's uncorroborated testimony may support a defendant's CSC conviction.¹⁰

Here, the complainant testified that Williams, her father, used his tongue to penetrate her vagina when she was 13 years old. The prosecutor also presented circumstantial evidence, including the cousin's testimony that the complainant disclosed the assault to her, Williams's reaction to the allegations, and Manzella and the complainant's mother's testimonies that the complainant was upset when she disclosed the abuse. Though the complainant also testified that she told the police the truth when she stated that Williams's tongue did not penetrate her vagina, her conflicting testimony created a question of fact for the trial court to resolve. We will not interfere with the trial court's role in weighing the evidence and credibility of the witnesses.¹¹

Viewing the evidence in the light most favorable to the prosecutor, we conclude that sufficient evidence supported Williams's CSC I conviction.

⁶ MCL 750.520a(r).

⁷ *People v Legg*, 197 Mich App 131, 133; 494 NW2d 797 (1992).

⁸ *People v Kanaan*, 278 Mich App 594, 619; 751 NW2d 57 (2008).

⁹ *Id.*

¹⁰ MCL 750.520h; *People v Lemmon*, 456 Mich 625, 642 n 22; 576 NW2d 129 (1999).

¹¹ See *Kanaan*, 278 Mich App at 619.

III. CONCLUSION

We conclude that sufficient evidence, including the complainant's testimony and circumstantial evidence, supported Williams's CSC I conviction.

We affirm.

/s/ William B. Murphy
/s/ William C. Whitbeck
/s/ Michael J. Talbot